

**Electric Truck & Bus Challenge**  
Program Opportunity Notice (PON) 4745  
**Up to \$24.5 million**

*NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.*

Phase One Registration Deadline: July 22, 2021 by 3:00 p.m. Eastern Time  
Phase One Proposals Due: August 26, 2021 by 3:00 p.m. Eastern Time\*  
Phase Two Proposal Due Date: **June 24, 2022 by 3:00 p.m. Eastern Time\***

**Program Summary:** The New York State Energy Research and Development Authority (NYSERDA) seeks Proposals for the [Electric Truck & Bus Challenge](#) as part of the New York Clean Transportation Prizes, which are designed to advance clean, electrified transportation in disadvantaged communities in New York State. The prizes will fund projects that will help overcome persistent transportation challenges in low-income communities and remove barriers to widespread electric vehicle use.

The Electric Truck and Bus Challenge aims to identify and demonstrate ways to reduce the cost, system and operational challenges of further deployment of medium- and heavy-duty (MD/HD) electric vehicles (EVs), including minimizing the costs of charging and grid integration infrastructure for MD/HD EVs; improve the quality of life in disadvantaged and other impacted communities; and demonstrate clear potential for replication and scale.

Proposal Phase	Total Funding Available	Anticipated Number of Awards
Phase One: Planning Grants (Completed)	Up to \$500,000	Up to five (5) at \$100,000 each
Phase Two: Grand Prizes (Note: this Phase is only open to Phase One Awardees)	Up to \$24 million	Up to three (3) at \$8 million each

All, some, or none, of the available funds may be Awarded. NYSERDA reserves the right to add or reduce time and/or funding to Awarded contracts. Note: Only projects located within communities served by electric utilities regulated by the New York State Public Service Commission are eligible to receive the funding currently available through this PON (4745). These utilities are: Central Hudson Gas & Electric, Con Edison, National Grid, New York State Electric & Gas, Orange and Rockland, and Rochester Gas and Electric.

Subject to the availability of funds, up to one project located within a community (or communities) served by LIPA may be selected for a Phase Two award out of the Phase One awardees from all three challenges in the New York Clean Transportation Prizes program (PON 4743, PON 4744, PON 4745).

**Proposal Submission:** Online submission is preferable. Proposers may submit Word, Excel, or PDF files (file formats include: csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility. Files should not be scanned. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For detailed instructions on how to submit a proposal (online or paper submission), click the link "[Application Instructions and Portal Training Guide](#) [PDF]" located in the

“Current Opportunities” section of NYSERDA’s website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

No communication intended to influence this procurement is permitted except by contacting Adam Ruder (Designated Contact) at (518) 862-1090, ext. 3411 or Luisa Freeman (Designated Contact) by e-mail [TransportPrizes@nyserda.ny.gov](mailto:TransportPrizes@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or [NancySolicitations@nyserda.ny.gov](mailto:NancySolicitations@nyserda.ny.gov). Contacting anyone other than the Designated Contacts (either directly by the Proposer or indirectly through a lobbyist or other person acting on the Proposer’s behalf) in an attempt to influence the procurement: (1) may result in a Proposer being deemed a non-responsible offeror, and (2) may result in the Proposer not being Awarded a contract.

**\*All Proposals must be received by 3 p.m. Eastern Time. Late, faxed, or emailed Proposals will not be accepted.** Incomplete Proposals may be subject to disqualification. It is the Proposer’s responsibility to ensure that all sections have been answered in the online Proposal. Please note: for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes for data entry when using the website. Please take as much time as is necessary to formulate your responses to each question by carefully reading the requirements as soon as possible. The online Proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted. NYSERDA will also accept Proposals by mail or hand-delivery if online submission is not possible. If changes are made to this solicitation, notification will be posted on the “Current Opportunities” section of NYSERDA’s website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

## **I. Introduction**

The New York State Energy Research and Development Authority (NYSERDA) is a public benefit corporation established pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York (State). NYSERDA’s principal mission is to develop innovative solutions to some of the State’s most difficult energy and environmental problems. In July 2020, the New York State Public Service Commission’s (PSC) Order Establishing Electric Vehicle Infrastructure Make Ready Program and Other Programs (Case 18-E-0138, “EV Make Ready Order”) directed NYSERDA to establish three prize competitions to fund projects that will help overcome persistent transportation challenges in low-income communities and remove barriers to widespread electric vehicle use. The goal is to advance clean, electrified transportation options in disadvantaged communities in New York State, including, but not limited to, electric trucks and buses, electric cars, electric micro mobility, and other mobility services. The competitions are intended to provide teams of global experts with the opportunity to directly engage communities and local groups to improve transportation options, reduce emissions, and develop solutions that can be scaled and replicated in New York State and beyond.

### **Summary of New York Clean Transportation Prizes design**

All three prizes will be implemented in two phases to provide potential Proposers with the time and resources necessary to develop the best approaches to meet the objectives of each prize competition.

Phase One (Completed) The purpose of Phase One is to invite a wide range of Proposers to register and submit a detailed Proposal for each relevant prize. Since these three prize competitions will launch simultaneously, Proposers will have the opportunity to propose to more than one competition, and those Proposers may be asked to indicate how any efficiencies can be gained if they are awarded more than one grand prize Award to implement their proposed solution(s). The outcome of Phase One is to produce a cohort of planning grant Awardees, who will receive planning grants and other support in order to participate in Phase Two and prepare their final Proposals for grand prize consideration.

Phase Two: Planning grant Awardees selected in Phase One will undergo a rigorous period of planning support in order to refine and strengthen their Proposals and conduct additional engagement for Phase

Two. Based on feedback provided from the Phase One assessments, planning grant Awardees will understand gaps in their Proposals. NYSERDA will provide access to experts to help them refine their Proposals over a protracted period of the Phase Two timeline. Based on the revised Proposals, the scoring committee will assess and make recommendations to determine the grand prize Awardees for each prize competition.

## **II. Program Requirements**

### **A. Solution Eligibility**

At a minimum, all proposals should:

1. Reduce air pollution and emissions in the areas in which MD/HD vehicles operate.
2. Identify and demonstrate ways to reduce the cost and operational challenges of further deployment of MD/HD electric vehicles.
3. Provide replicable strategies for electric MD/HD fleet charging with minimum required grid upgrades.
4. Improve quality of life in disadvantaged and other impacted communities.
5. Demonstrate a clear potential to be repeated in other fleets and communities and have the potential to scale in the chosen fleet and communities.

To receive the highest scores for this challenge, Proposals must focus efforts and demonstrate emissions reductions in disadvantaged communities. Proposals are encouraged to generate local economic benefits for the communities in which they operate through local hiring and investment. Proposals may address paths toward the development of regulations to further accelerate electric MD/HD adoption. Note, proposals may also support initiatives to reduce MD/HD trips through smart routing, electric light-duty alternatives, and other means. Note: It is a program priority to fund projects that meet the replicability requirements of this solicitation. NYSERDA reserves the right to negotiate the scope of any proposals selected for award to strengthen the replicability portion of the project.

Proposals may NOT include any of the following elements:

- A sole focus on vehicle or fleet replacement
- Projects that involve pre-commercial technologies
- Projects that do not operationalize or implement technologies that can be replicated at scale
- Projects that have significant technology risk

### **B. Proposer Eligibility**

Only proposals selected for a Phase One planning grant are eligible to submit a proposal to the final Electric Truck & Bus Challenge.

The following entities are not eligible to apply as the Principal Organization, but may be part of a proposing team:

- Individuals.
- Government agencies, including United Nations agencies, inter-governmental bodies, and regional cooperation agencies. Please note: Indian Nations are eligible to apply as a Principal Organization and serve as part of a proposing team.
- Departments, authorities, or other entities that are part of local, state, or federal government.
- Universities and colleges.

The following entities are not eligible to be a Principal Organization nor members of any proposing team:

- Registered lobbying organizations whose primary business is lobbying.
- Utilities and associated enterprises, within their respective service territories.

**Financial and Organizational Capacity** – All applicants must demonstrate their financial and organizational capacity to carry out the proposed project and to appropriately manage any Award, should they be designated as an Awardee.

### **C. Proposal Submission Limit**

An organization that has received a Planning Grant award can submit only one final Proposal for the Electric Truck & Bus Challenge as the Principal Organization. An organization can also serve as a partner on a team for multiple Proposals provided that each Proposal proposes a separate, distinct solution.

While a single organization can serve as a Principal Organization on one Proposal, as well as participate as part of a team on multiple Proposals, there should be no overlap in the individuals from that organization on those separate Proposals. The intent of the policy is to ensure that any team member is concentrating their best effort into a single Proposal. Overlapping membership of advisory boards is permitted.

### **Geographic Eligibility**

The Electric Truck & Bus Challenge is open to Proposals located in any community within New York State. As noted in Section II.A, to receive the highest scores, Proposals must focus efforts and reduce emissions in at least one disadvantaged community per the interim definition below:

Disadvantaged Communities include either:

1. Communities that meet both of the following criteria:

- a. Census block groups that are in the top quartile of HUD census tracts meeting the annual income threshold of 50% Area Median Income (see below\*), and
- b. Location identified as a [Potential Environmental Justice Areas](#), as defined by the New York State Department of Environmental Conservation, or

2. Communities located within New York State [Opportunity Zones](#).

\*HUD 50% Threshold: Top quartile of census block groups in New York, ranked by the percentage of LMI Households in each census block. LMI Households are defined as households with annual incomes at or below 50% of the AMI of the County or Metro area where the Census Block Group resides.

NYSERDA has provided an [interactive map](#) that identifies areas throughout the State that meet the interim criteria specified above.

## **III. Proposal Requirements**

The Proposer's goal should be to concisely present the information needed to fully address the evaluation criteria (see Section IV). Proposals may not exceed the word limits specific in the Proposal form, and any Proposals that are incomplete or fail to meet eligibility requirements may be rejected as non-responsive.

Any materials submitted will be cut off at the page limit and any additional pages, excluding a cover page, will not be reviewed by the scoring committee. If you believe proprietary information must be submitted to provide an adequate Proposal, you must comply with Section V instructions for submitting proprietary information.

Proposals must be in English and meet the Proposal requirements stipulated on the NYSEDA Program Opportunities website. Proposals may not contain obscene, provocative, defamatory, or otherwise objectionable or inappropriate content.

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions, below for additional information), Proposers will be required to answer questions during Proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility.

#### **A. Phase One Proposal Format (Completed)**

The Phase One Proposal process has been completed.

#### **B. Phase Two Proposal (by invitation only)**

Only Phase One Awardees are eligible to propose to Phase Two. Based on feedback provided from the Phase One assessments and insights gained throughout the Phase Two process, Phase One Awardees will understand gaps in their proposed solutions, will make improvements to their proposed solutions, and submit Phase Two final Proposals. The Phase Two scoring committee will assess and make recommendations to determine the grand prize Awardees for each prize competition.

Of these Phase One Awardees, up to three (3) will receive an Award of \$8 million each if selected as grand prize Awardees during the Phase Two proposal and evaluation process.

The Proposal form contains the following sections:

- A. **Cover Letter (2 pages)**
- B. **Executive Summary (3 pages):** This is your opportunity to make a strong first impression. Offer a brief and compelling overview of your solution as if presenting to an investor. Avoid using jargon, abbreviations, or language that a layperson may not understand.
- C. **Your Team (4 pages):** Now that you've introduced your solution, focus on the structure, capacity, and leadership of your team. Successful execution is of paramount importance to the success of this prize and a strong team is critical.
  - **Appendix A:** Resumes of Key Personnel (not included in page count)
- D. **The Problem: (4 pages)** Here is your opportunity to explain the problem(s) you intend to solve and to demonstrate your nuanced understanding of the disadvantaged communities you aim to serve.
- E. **Your Solution & Its Execution (12 pages):** Here's your opportunity to more fully explain how you intend to solve the problem(s) you have outlined above. It is important to convey both that you have a sound strategy and also that you have a sound approach to execution.
- F. **Projected Impact (3 pages):** Demonstrate how your solution will better meet the transportation needs of disadvantaged communities, improve health, and increase the quality of life and opportunity for community residents and others. While you will provide a Monitoring and Verification (M&V) Plan to be uploaded as Attachment 1 of your submission, this section should provide adequate summary of the metrics and intended outcomes of your project in quantifiable terms, and a summary of your data collection approach for assessing key project outcomes.
  - **Attachment 1:** Monitoring and Verification Plan (to be uploaded separately)

- G. **Community Engagement (2 pages):** Briefly summarize here your plans as to how you will collaborate with the communities in which you will deploy your solution, Details will be provided in a separate Community Engagement Plan (CEP) to be uploaded as Attachment 2 of your submission, with guidance on preparation of the CEP to be provided by NYSERDA's Outreach and Engagement contractor during the Planning Grant period.
- **Appendix B:** Letters of Endorsement (not included in page count)
  - **Attachment 2:** Community Engagement Plan (to be uploaded separately)
- H. **Sustainability, Scalability & Replicability (4 pages):** Clearly describe the potential and plans to scale, expand, repeat, and/or replicate your solution. Explain your team's financial and revenue model for growing the solution once the grant period ends.
- I. **Project Plan & Budget (4 pages):** In this section, summarize your project plan and list the tasks to be carried out consistent with your Statement of Work to be uploaded separately as Attachment 3. Describe the resources required to successfully implement your solution. Please be as informative as possible, clearly portraying important activities the funds will be used for and when. The four-page limit for this section does not include the Statement of Work (to be uploaded as Attachment 3 of your submission) or the Detailed Budget Form (to be uploaded as Attachment 4 of your submission).

Note: Only projects located within communities served by electric utilities regulated by the New York State Public Service Commission are eligible to receive the funding currently available through this PON (4745). These utilities are: Central Hudson Gas & Electric, Con Edison, National Grid, New York State Electric & Gas, Orange and Rockland, and Rochester Gas and Electric.

Subject to the availability of funds, up to one project located within a community (or communities) served by LIPA may be selected for a Phase Two award out of the Phase One awardees from all three challenges in the New York Clean Transportation Prizes program (PON 4743, PON 4744, PON 4745).

**Use of Funds** – Funds from Phase Two Awards must be used for the solution described in the proposal and go toward achieving transportation-related outcomes. The solution must be implemented over a period of up to three years. NYSERDA funds may be used to cover overhead expenses necessary to implement the proposed project. Any overhead expenses should be reflected in fully-burdened rates in the budget.

**Cost Sharing** – While not required, all proposals have the option of including additional funding as cost share. This will be an important evaluation criterion under "Project Value." Cost share cannot include expenses that have already been incurred and NYSERDA funds cannot pay for efforts that have already been undertaken or be used to reimburse or replace normal expenses of other government organizations.

**Annual Metrics Reports** –The grand prize Awardee will be required to enter into an agreement with NYSERDA (See Attachment C) and to submit to NYSERDA's Project Manager on an annual basis, a prepared analysis and summary of metrics addressing the anticipated energy, environmental and economic benefits that are realized by the project. All estimates shall reference credible sources and estimating procedures, and all assumptions shall be documented. Reporting shall commence the first calendar year after the contract is executed. Reports shall be submitted by January 31st for the previous calendar years' activities (i.e. reporting period). NYSERDA may decline to contract with Awardees that are delinquent with respect to metrics reporting for any previous or active NYSERDA agreement.

**Measurement & Verification** – Awarded solutions will have access to a third-party contractor to verify any claims of performance measurement and, in some cases, collect additional data, during

implementation. Phase Two Awardees will be required to submit a Measurement & Verification Plan (Attachment 1).

#### **IV. Proposal Evaluation**

Phase Two proposals will be reviewed by a scoring committee. Phase One Awardees will make a presentation of their proposal at a Pitch Event. The proposals and the pitch presentations will be evaluated by the scoring committee based on the following criteria and Scoring Rubric (Attachment B). **Any proposals for projects located within a community (or communities) served by LIPA will be evaluated separately against other LIPA-based proposals across the New York Clean Transportation Prizes program (PON 4743, PON 4744, PON 4745), as described in Attachment G.**

##### **Projected Impact (20 points):**

- Does the proposal demonstrate a vision and scale of opportunity to accelerate the deployment of medium- and heavy-duty electric vehicles, reduce costs, and reduce air pollution and emissions?
- Is the proposed solution innovative and superior to potential alternatives?
- How transformative is the solution for disadvantaged and other impacted communities, both in the short and long term?
- How significant is the issue or opportunity to the advancement of electric truck and bus adoption?
- Are the processes for estimation of benefits clearly explained and reference defensible sources or reliable measurement methods?

##### **Market Alignment and Engagement (20 points):**

- Does the proposal offer a cost-effective, user-friendly solution that addresses system and operational barriers to the electrification of medium- and heavy-duty vehicles now and in the future?
- Does the proposal incorporate innovative solutions for managing the costs of charging and grid integration?
- Has the proposer demonstrated that the proposed solution is something that stakeholders are interested in and capable of implementing?
- Does the proposal contain Letters of Endorsement from all essential stakeholders?

##### **Feasibility (20 points):**

- Is there a sound approach, thorough plan, sufficient resources, community buy-in, and necessary approvals (or plans for approval) to execute their solution?
- Does the proposer identify a path to market acceptance and economic viability for their solution?
- Is there a credible team with the experience, capacity, and existing (or planned) relationships needed to mitigate risk and succeed where other solutions have not?
- Is there a strong understanding of local and market conditions and does the proposer have a reasonable process to gather and integrate information from relevant market representative(s) who can verify these claims?
- Is the solution likely to be adopted and result in NYS benefits?
- Are the expected benefits likely to be realized, given other constraints or barriers?

##### **Sustainability and Repeatability (20 points):**

- Is there a vision and roadmap to sustain, scale and/or replicate the solution to reduce emissions and benefit more disadvantaged communities in the long term?
- Is the team positioned to adapt, disseminate results, and build a transferrable model that will meet changing community needs and derive value for future implementation?
- Does the proposer have a reasonable plan for pursuing additional funding and community and/or market support necessary to sustain, scale and/or replicate the solution?
- Is there a plan for technology and/or knowledge transfer, as appropriate?

##### **Project Value (20 Points):**

- Is the overall project cost justified based on the expected benefits?
- Relative to the project cost, how significant are the potential benefits?

- Is the budget reasonable and in compliance with funding requirements under the solicitation?
- Does the proposal include the budget and a cost breakdown by task and by participant?
- Does it include a separate budget form for subcontractors (> \$50K), if applicable?
- Is the information provided in the supporting schedule sufficiently detailed?
- If applicable, how appropriate are the proposer's cost share contributions (sources and amounts) with respect to their potential to benefit from the work and the financial status of the proposing organization and project team?
- Are these additional contributions secured or, if not, is there a sound plan for securing them?

NYSERDA reserves the right to accept or reject Proposals based on the following Program Policy Factors:

- The degree to which there is diversity of geographic location
- The degree to which there are organizational risks associated with the project
- The degree to which pricing and hourly rates are in line with the rest of the market.

It is anticipated that up to three (3) proposers will receive an Award of \$8 million each. Proposals will be evaluated based on the Evaluation Criteria and Program Policy Factors may be applied. NYSERDA may also recommend a modification to an award.

Note: Only projects located within communities served by electric utilities regulated by the New York State Public Service Commission are eligible to receive the funding currently available through this PON (4745). These utilities are: Central Hudson Gas & Electric, Con Edison, National Grid, New York State Electric & Gas, Orange and Rockland, and Rochester Gas and Electric.

Subject to the availability of funds, up to one project located within a community (or communities) served by the Long Island Power Authority (LIPA) may be selected for an additional Phase One award through this PON (4745). Up to one additional project located within a community (or communities) served by LIPA may be selected for a Phase Two award out of the Phase One awardees from all three challenges in the New York Clean Transportation Prizes program (PON 4743, PON 4744, PON 4745).

Projects located in other electric utility service territories are eligible to participate in the submission and evaluation process, and must identify a separate funding for grant awards. Up to one additional Phase One project may be selected from the other electric utility service territories to be provided with access to expert consultants and other support services to prepare a Phase Two proposal. This additional project is not eligible to receive the planning grant, grand prize, nor funding for community partners from NYSERDA.

## V. General Conditions

**Proprietary Information** - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your Proposal. Review should include whether it is critical for evaluating a Proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the Proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" in each answer to the Proposal question at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <https://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.



**Treatment and Use of Intellectual Property.** Each Proposal should reflect the anticipated ownership, use, and licensing of any intellectual property. Proposers represent and warrant that the Proposal is an original work created solely by the Proposer, that the Proposer owns all intellectual property in and to the Proposal, and that no other party has any right, title, claim or interest in the Proposal, except as expressly identified by the Proposer in writing in the Proposal.

**Omnibus Procurement Act of 1992** - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division for Small Business  
625 Broadway  
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development  
Minority and Women's Business Development Division  
625 Broadway  
Albany, NY 12207

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. Proposers are required to answer questions during Proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this includes a disclosure statement regarding whether the Proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years).

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department.

The Department has created a second form that must be completed by a prospective contractor prior to contracting and filed with NYSERDA. See, ST-220-CA (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

**Contract Award** - NYSERDA anticipates making multiple Awards under this solicitation. NYSERDA anticipates a Phase Two (grand prize) implementation contract duration of up to three years, unless NYSERDA management determines a different structure is more efficient based upon Proposals received. A contract may be Awarded based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work. Each Proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement (see Attachment E) to contract successful Phase Two Proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA expects to notify Proposers in approximately five (5) months from the Phase Two Proposal due date whether your Proposal has been selected to receive a

Grand Prize Award. NYSEDA may decline to contract with Awardees that are delinquent with respect to any obligation under any previous or active NYSEDA agreement.

**Accessibility Requirements** - NYSEDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSEDA's Accessibility Requirements](#). Please see Proposal ([www.electrictruckandbuschallenge.org/application](http://www.electrictruckandbuschallenge.org/application)) for additional information.

**Limitation** - This solicitation does not commit NYSEDA to Award a contract, pay any costs incurred in preparing a Proposal, or to procure or contract for services or supplies. NYSEDA reserves the right to accept or reject any or all Proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSEDA's best interest. NYSEDA reserves the right to reject Proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSEDA reserves the right to disqualify Proposers based upon the results of a background check into publicly available information or the presence of a material possibility of any reputational or legal risk in making of the Award.

**Disclosure Requirement** - The Proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States and shall describe circumstances for each. When a Proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSEDA after the Award of a contract, NYSEDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

**Vendor Assurance of No Conflict of Interest or Detrimental Effect** - The Proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Proposer or former officers and employees of NYSEDA, in connection with Proposer's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSEDA of, and resolve any such conflicts.

The Proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

**Public Officers Law** – For any resulting Awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the "Ethics Requirements"). Proposers are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former NYSEDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSEDA may neither appear nor practice before NYSEDA, nor receive compensation for services rendered on a matter before NYSEDA, for a period of two years following their separation from NYSEDA service. In

addition, former NYSERDA employees are subject to a “lifetime bar” from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

Any Awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person’s engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. NYSERDA shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

**Due Diligence** – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants’ prospects of success, including gathering information to assess a Proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a Proposal. NYSERDA may conduct due diligence on some or all Proposals based on NYSERDA’s current guidelines at the time of a review. NYSERDA staff may follow up with Proposers to request additional information or clarification regarding applicant’s Proposal, including questions regarding applicant’s business prospects and resources, whether or not those questions are specifically related to the elements of the Proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any Proposal raised by NYSERDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a Proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants’ target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for Proposers’ business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a Proposal, or the prospects for commercial success of the Proposers’ business (whether directly related to, or unrelated to the specific elements in a Proposal). Due diligence may include discussions with Proposers’ former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract Award, any information gleaned in diligence may be used to score or re-score a Proposal.

## **VI. Attachments**

- A. Phase Two Proposal Form
- B. Phase Two Scoring Rubric
- C. Monitoring & Verification (M&V) Plan
- D. Community Engagement Plan (CEP)
- E. Sample Agreement including Exhibit A - Statement of Work for Phase Two Grand Prize Awards
- F. Detailed Budget Form
- G. Phase Two Scoring Rubric (Long Island Only)